

BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA

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EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

DEC 19 2018

In the matter of:)	BOEE Case No. 18-121
)	Folder # 1021451
WYLIE J. HACHEY,)	
)	COMBINED STATEMENT OF
Respondent.)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Count I

Respondent is charged with being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs, in violation of 282 Iowa Administrative Code rule 25.3(2)(a).

Count II

Respondent is charged with the commission of or conviction for a criminal offense as defined by Iowa law that is relevant to or affects teaching performance, in violation of 282 Iowa Administrative Code rule 25.3(1)(b)(2).

STIPULATIONS

1. Respondent holds a STANDARD LICENSE (FOLDER # 1021451) with the following endorsements: K-8 Art, 5-12 Business - All, and 5-12 Art. This license is current and will next expire on February 28, 2023.

2. During the relevant facts of this matter, Respondent was employed as a teacher with the Linn-Mar Community School District.

3. On August 2, 2018, the Board of Educational Examiners received a complaint against Respondent alleging a violation of the Code of Ethics.

4. On November 9, 2018, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph 5 below.

5. Investigation revealed that on March 28, 2018, Respondent took student prescription medication from the school nurse's office without authorization for his own personal use.

6. On July 11, 2018, Respondent pled guilty to Unlawful Possession of a Prescription Drug, in violation of Iowa Code section 155A.21. The district court granted Respondent a deferred judgment and placed him on unsupervised probation.

7. On March 30, 2018, Respondent completed a substance abuse evaluation, and on September 4, 2018, Respondent successfully completed recommended treatment.

SETTLEMENT AGREEMENT

8. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent accepts a WRITTEN REPRIMAND.

b. Respondent accepts a SUSPENSION of his license for a minimum period of THREE YEARS. Respondent agrees he bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that he bears the burden of proving that the basis for his suspension no longer

exists and that it will be in the public interest to reinstate his license. Additionally, Respondent agrees he is not eligible for reinstatement until he satisfactorily completes the requirements of subparagraphs (c) and (d) below.

- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI, prior to seeking reinstatement. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.
- d. Respondent agrees to undergo another substance abuse evaluation at the time he seeks reinstatement. Respondent shall select a substance abuse counselor, subject to preapproval by the Board's Executive Director. Respondent shall provide the substance abuse counselor with a copy of this Combined Statement of Charges, Settlement Agreement, and Final Order. Respondent is responsible for all costs associated with the completion of this requirement. Respondent shall provide the Board with the up-to-date written substance abuse evaluation at the time he seeks reinstatement.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

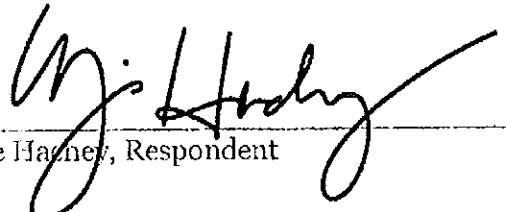
I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

12/12/2018

Date


Wylie Hachey, Respondent

Wylie Hachey

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Additionally, Respondent's license is SUSPENDED for a minimum period of THREE YEARS. Respondent bears the burden upon reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate his license. Additionally, Respondent is not eligible for reinstatement until he satisfactorily completes the requirements of paragraphs 3 and 4 below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators" prior to seeking reinstatement. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

4. Respondent shall undergo another substance abuse evaluation at the time he seeks reinstatement. Respondent shall select a substance abuse counselor, subject to preapproval by the Board's Executive Director. Respondent shall provide the substance abuse counselor with a copy of this Combined Statement of Charges, Settlement Agreement, and Final Order. Respondent is responsible for all costs associated with the completion of this requirement. Respondent shall provide the Board with the up-to-date written substance abuse evaluation at the time he seeks reinstatement.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 17th day of January, 2019.



Ann Lebo, Executive Director
Iowa Board of Educational Examiners

Copies to:

Wylie Hachey
RESPONDENT

Jay Hammond
ATTORNEY FOR RESPONDENT

Allison Schmidt
ATTORNEY FOR THE STATE